

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**ANGELIQUE BRANCH and
SHAMBERISHA HERNDON**

PLAINTIFFS

V.

NO. 4:18-CV-250-DMB-RP

**CARROLL COUNTY, MISSISSIPPI;
SHERIFF CLINT WALKER, in his
official capacity; and DEPUTY OFFICER
ROSHAUN DANIELS, in his individual
and official capacity**

DEFENDANTS

ORDER

On October 9, 2019, the defendants filed a motion for summary judgment, Doc. #46, and a 28-page memorandum in support, Doc. #47. On October 23, 2019, the plaintiffs docketed a response, Doc. #49, and a memorandum, Doc. #50. The plaintiffs' response and memorandum are both titled, "Response and Memorandum of Laws in Opposition to Defendants' Motion for Summary Judgment," and appear to be identical, except that exhibits¹ were docketed with the response. The defendants filed a 17-page reply memorandum on October 30, 2019. Doc. #51.

Local Rule 7(b)(5) provides that a "[m]ovant's original and rebuttal memorandum briefs together may not exceed a total of thirty-five pages." Because the defendants' original memorandum and reply memorandum together total 45 pages, the defendants' reply brief [51] is **STRICKEN**. Within fourteen days from the entry of this order, the defendants may refile their reply brief in accordance with Local Rule 7(b)(5). If refiled, the reply brief may not include new arguments or new authorities.

Local Rule 7(b)(2) mandates that a party's "memorandum brief must be filed as a separate

¹ Docs. #49-1 through #49-6.

docket item from the motion or response and the exhibits” and that “[c]ounsel must file a memorandum brief as a separate docket item from the motion or response to which it relates” By combining their response and memorandum in the same document and then filing the document twice—once as their response and again as their memorandum—the plaintiffs’ filings are contrary to Local Rule 7(b)(2). Accordingly, the plaintiffs’ response [49] is **STRICKEN**.² The plaintiffs may refile their response in accordance with the local rules within fourteen days of the entry of this order. If refiled, no new grounds to oppose the motion for summary judgment may be raised, and no new or different exhibits may be filed with the response.

SO ORDERED, this 23rd day of March, 2020.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

² Despite its title, the plaintiffs’ 21-page memorandum will not be stricken since it is in substance indeed a memorandum brief.